

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

December 9, 2011

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 10od-217

OAHU

Issuance of Revocable Permit to Wallace K. Lean III, Kalauao, Ewa, Oahu, Tax Map Key:
(1) 9-8-011:006

APPLICANT:

Wallace K. Lean III

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Kalauao, Ewa, Oahu, identified by Tax Map Key: (1) 9-8-011:006, as shown on the attached map labeled Exhibit A.

AREA:

7.613 acres, more or less.

ZONING:

State Land Use District: Urban
City & County of Honolulu LUO: P2 and R5

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-7481, Wallace K. Lean, Permittee, for general agriculture purposes.

CHARACTER OF USE:

General agriculture purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

\$48.00 per month (current rent for RP 7418).

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation." See Exemption Notification attached as Exhibit B.

DCCA VERIFICATION:

Individual, not applicable.

REMARKS:

The subject parcel was encumbered by General Lease No. 3389 to Oahu Sugar Company, Limited since 1951. Around 1970, GL 3389 was cancelled because the lessee was desirous of canceling the lease due to abandonment of its agricultural operation.

In 1986, Revocable Permit (RP) 6324 was issued to Richard H.S. Lee for general agriculture purpose. The permit was terminated at the request of the permittee in December 1989.

Starting January 1990, Wallace K. Lean, started to lease the subject parcel under RP 6694 for general agriculture purposes. On October 23, 2009, under agenda item D-12, the Board authorized the issuance of new RP to 159 current permittees as a result of replacing the permit with updated permit conditions. RP 7481 was issued to Wallace K. Lean effective February 1, 2010. In July 2010, Wallace K. Lean passed away.

Since the death of Wallace K. Lean, his son, Wallace K. Lean, III, has been stepping forward and paying the rent and providing the required insurance policy. He wants to obtain the revocable permit in his name and keep using the subject land. Meanwhile, the Department received interest from others for a long-term disposition of the property. There is ongoing litigation filed by Angela Kaaihue against other surrounding landowners, including the State. The State believes, like the other landowners, that it has a right to use Waimalu Valley Road to access Kilinoe Street, a county road. Pending the resolution of this dispute, staff recommends Wallace K. Lean, III be allowed to

continue his month-to-month occupancy. Once the lawsuit is resolved, staff intends to auction the property.

As mentioned above, the applicant has been paying rent and providing insurance policy to the department.

For housekeeping purposes, staff recommends the Board authorize the termination of RP 7481 (due to the death of the permittee) and issue a new revocable permit to Wallace K. Lean III during the interim period.

RECOMMENDATION: That the Board:

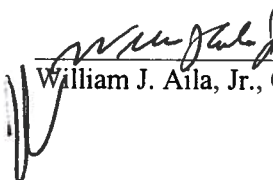
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to Wallace K. Lean III covering the subject area for general agriculture purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Terminate Revocable Permit No. 7481 upon issuance of the new permit.

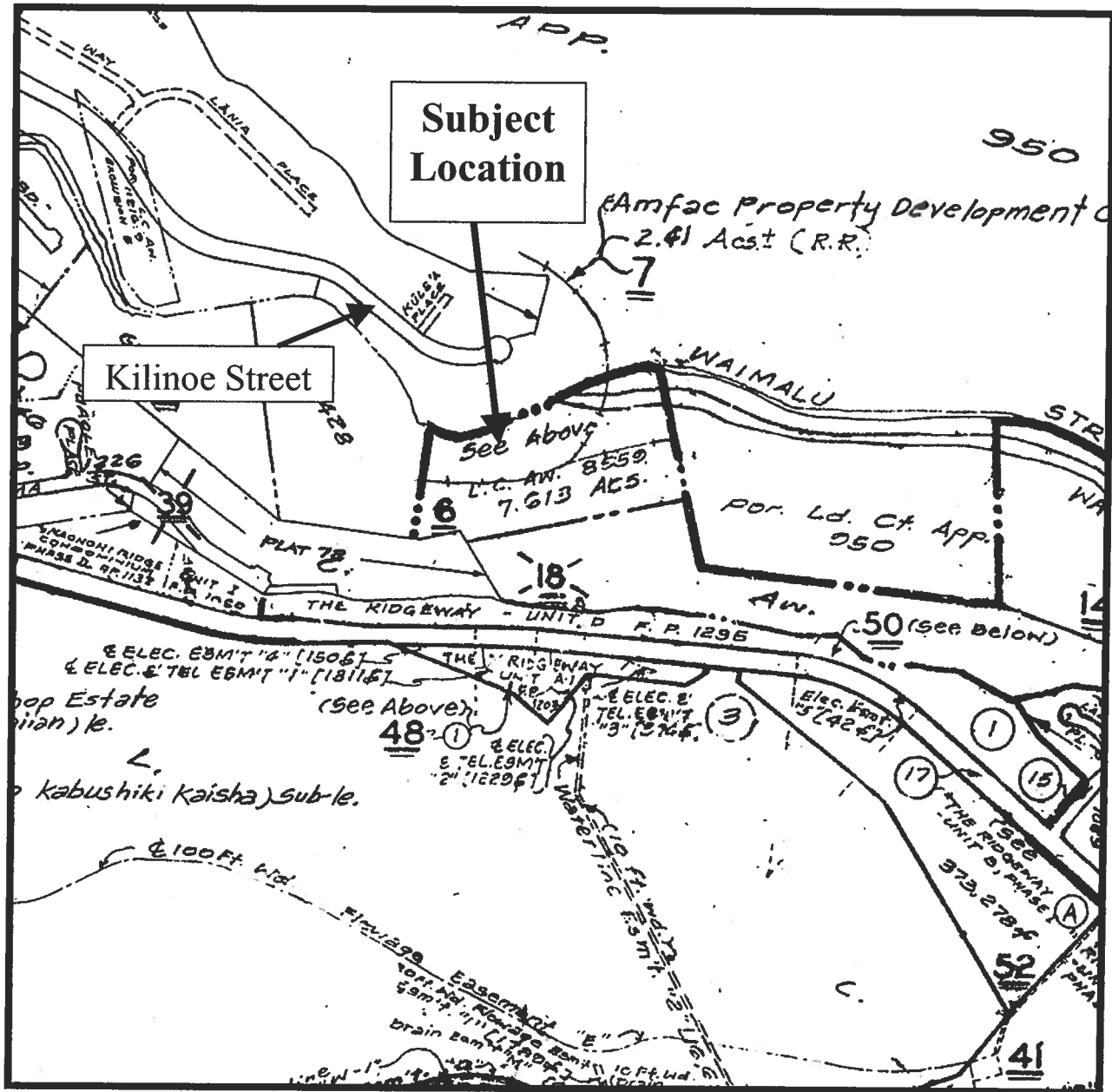
Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


William J. Aila, Jr., Chairperson



TMK (1) 9-8-011:006

EXHIBIT A



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Issuance of Revocable Permit for General Agriculture Purposes

Project / Reference No.: PSF 10od-217

Project Location: Kalauao, Ewa, Oahu, TMK (1) 9-8-011:006

Project Description: Issuance of Revocable Permit for General Agriculture Purposes.

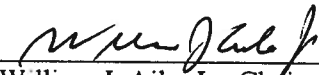
Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation." The subject property was used for agriculture purpose since 1950, though the lessee/permittees changed over the years. The request does not involve any expansion or change of use, and therefore it is recommended that the subject request be exempted from an environment assessment.

Consulted Parties Not applicable

Exemption Item Description
from Agency Exemption List: Not applicable

Recommendation: It is recommended that the Board declare that this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.


William J. Aila, Jr., Chairperson

11/25/11
Date

EXHIBIT B